

DEQ/LHD Partnership Council Meeting
October 11, 2007
DEQ Room 201
9:00 a.m. – 12:00p.m.

In attendance:

Rick Sprott, Executive Director
Bill Sinclair, Deputy Director
Bruce Slater, DEQ/LHD Liaison
Scott Hacking, District Engineer
David Ariotti, District Engineer
Ken Wilde, DDW
Kathy Froerer, Utah Association of Local Health Officers, Executive Director
Phil Wright, Wasatch County Health Department, Past President, UAOLHO
Tracy Richardson, Wasatch County Health Department, CLEHA Chair
Joe Decaria, Weber/Morgan, Vice Chair, CLEHA
Leah Ann Lamb, OPPA
Brad Johnson, DERR
Joseph Shaeffer, TriCounty Health Department
Darrin Brown, TriCounty Health Department
Lloyd Berentzen, Bear River Health District, President, UAOLHO
John Whitehead, DWQ
Cheryl Heying, DAQ
Deb Oberndorfer, EDO

Spills Reporting and Clean Up Process

- There have been increased incidents – escalating out of control
- Some issues related to spills are long standing issues that may not have been resolved
- Need to get industry involved
- Incidents are being reported haphazardly
- Spills are becoming more frequent and not being reported

Process:

- Spill is reported to DERR and is assigned to specific division/office
- There are gaps in the follow up; not enough resources – no one is assigned for follow-up, LHDs and DE's do not have time to follow up.
- Need a full time FTE – someone to follow up and be visible

Notification/timing requirement – 24 hours

- DEQ rules
- EPCRA rules (Emergency Planning and Right to Know Act) – if someone spills certain amounts of materials they are required to report it. DEQ gets 400+ reports a year.
- Who reports to whom?

- Suspect there are spills that should be reported that are not being reported. Companies don't know these regulations exist (mostly smaller companies)
- Education component – if companies knew the requirements they would report.
- There are federal laws that can result in enforcement that can come in if they don't report; however, Brad is not aware that federal enforcement has ever been done in Utah.
- Important to get industry involved in discussion – Joseph Shaffer suggested they fund an education program; natural oversight should be industry – check and balance
- Unskilled workers are hired
- Oil and gas partnership at table w/DAQ (big companies) already to discuss joint regulatory issues
- BLM and NPS could partner with DEQ as we try to get some of the issues and lease agreements ironed out.
- Need for Tribal involvement

Process:

- Duty officers contact the appropriate agency/or jurisdiction. The form identifies a lead agency
- In DERR only 5 out of 400 are followed up on to verify that a cleanup occurred
- Separate all spills – develop best management practices (bmps)
- Big companies are traditionally compliant
- When lead agency takes over, they are asked to generate a cleanup report – usually no one available to review the report and do any necessary follow-up
- John Whitehead said that DWQ has a FTE (Dan Griffin) that works full time on this now. He coordinates with LHDs and if no one takes the lead, he takes it.
- Scott asked how much it would help this individual if there was a form letter indicating the nature of the spill.
- John indicated that there is always some kind of internal memo indicating the status. If the spill has reached the water, it takes higher priority.

Comments:

- Brad stated that Neil Taylor has been asked to meet with all local health departments to discuss this issue
- Scott stated there have been a few instances where DE's are assigned. At what point do we invest a lot of resources into these spills – how do we know if they are significant? "How close to surface water" is not usually on the report and it would help if it was on the report.

- Bill stated that if the spill is in a lake, reservoir, or stream, how is it coordinated with the state and local entity?
- In almost every spill, DWQ would be involved
- When TriCounty is involved, they bill the company for all their time.
- Contractor support is a possibility – spill circuit rider concept discussed

Follow up:

- Duty officers contact agencies regarding follow up
- Lead agency takes action
- Separate small spills and develop bmps (must determine what constitutes a small or significant spill)
- Big companies ok but can help with the problem solving process
- Neil Taylor visiting local health departments for input into the DERR process
- WQ 100% FTE/spills
- WQ regulatory hook
- Follow up letter/cost recovery
- Contractor support (spill circuit rider)

Next steps:

- Define scope of problem
- Community Impact Board or other funding sources identification
- Add on to fee schedule

Bill will put together a small committee to start working on this issue to determine next steps. Committee could include Scott Hacking, Dave Ariotti, Field DOGM person, Darrin Brown, Dan Griffin, DERR representative and then it will be determined which stakeholders should be involved.

Mercury Update – Bill (slide show) (full slide show attached)

- 46 states have issued mercury fish advisories, now including Utah
- Mercury deposition from air pollution is increasing concern
- Information on DEQ web page on Fish advisories
- Possible sites for source assessment – Escalante River Watershed; Southwest Utah Reservoirs

Leah Ann:

- LHDs are providing a great service by collecting mercury.
- DEQ has 2400 more thermometers, and will provide outreach to LHDs, Baby your Baby program and WIC program to do more exchanges.
- Disposal contract has changed. It states that lhd's will pay for disposal. This will be reevaluated next year to see if it is worthwhile.

Discussion:

- There was discussion on whether or not the collection buckets should remain outside to keep vapors away.
- Brad Johnson stated that DERR has a monitor that can evaluate the degree of mercury spill hazard. SLC County has purchased one as well.
- There was discussion that if the mercury level is high in a particular area and the windows are opened, the levels drop significantly; therefore sending mercury into the atmosphere.

Legislation for 2008 Session:

DEQ: (slide show) – Bill (actual presentation attached)

- DEQ has several legislative priorities and several budget priorities (see attached)
- Possible 2008 Interim study items:
 - Air toxics/mercury
 - Regulation of above-ground storage tanks
 - Study of the Great Salt Lake
 - GRAMA requests and security concerns (raised by DDW)

LHD – Lloyd Berentzen

- Last year they worked on Senate Bill 46 with Senator Knudson. This was a \$2 million bill that was ongoing to help support local health departments. They received \$500,000 one time money last year., but because it is one time the lhds lack the capability to invest in personnel. They will come back this year to ask for money to use for surge capacity events.
- Long term goal: they are looking at a potential tax levy which would give which would give an insurgence of money to help them increase in basic public health structure, health program - Dave Blodget is in charge of this
- Local Health Departments would like DEQ's help in trying to pass legislation.

NPS Grants – John Whitehead

Individuals, businesses, corporations, nonprofit organizations and government agencies will soon be eligible to receive State Revolving Fund (SRF) grants for nonpoint source (NPS) projects. The rule change will also allow grant funding for studies, education and activities that are expected to result in water quality improvement.

Grants may be made to individuals that have a malfunctioning onsite wastewater system and had NOT been able to secure a SRF loan or other funding.

Internal procedures are currently being developed for grant disbursement.

Grants will primarily be used for high priority projects, including critical watershed/waterbody improvements projects, especially for TMDL implementation on 303(d) listed waters. Grants can be used in tandem with EPA 319 Grants, SRF Loans and other state and federal loans and/or grants.

The Executive Secretary of the Board has the authority to sign loan and grant agreements up to \$150,000 per project up to \$1 million per fiscal year without Board approval.

NPS Grants request forms should be available November, 2008.

December 10 Combined Meeting Agenda

List of topics that for consideration:

1. Climate change
2. Energy Development
3. Air Quality/Monitoring
4. Methamphetamine Update
5. Onsite Wastewater Technical Assistance
6. Training
7. Update from Committee on Spill Reporting/Procedures

No other topics were discussed or suggested as part of this discussion. Bill suggested that other topics of interest could be e mailed to him for consideration on the agenda.